UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,659	01/08/2002	Cory Isaacson	0SRC-086419	9405

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EXAMINER
NGUYEN BA, HOANG VU A

ART UNIT	PAPER NUMBER
2122	

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/044,659	ISAACSON, CORY
	Examiner	Art Unit	
	Hoang-Vu A Nguyen-Ba	2122	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _08 January 2002_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-13_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-13_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on _08 January 2002_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
    1.☐ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____.
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.　This action is responsive to the application filed January 08, 2002.

2.　Claims 1-13 have been examined.

Oath/Declaration

3.　The declaration is defective. A new declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The declaration is defective because it does not identify the post office address of each inventor. A post office address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The post office address should include the ZIP Code designation.

Drawings

4.　The drawings, filed January 08, 2002, are objected to by the examiner because of the following informalities: Figures 1-5 have inadequate left margin.

Correction is required.

Specification

5.　The Abstract of the disclosure is objected to because of the use of legal phraseology such as "said" language at line 3.

Correction is required.

Claim Objections

6.　The claims are objected to because the lines are crowded too closely together, making reading and entry of amendments difficult. Substitute claims

with lines one and one-half or double spaced on good quality paper are required. See 37 CFR 1.52(b).

7.   Claim 3 is objected to because of a typographical error: the verb "include" at line 1 should be changed to – includes – to agree with the subject "the Data Store."

Appropriate correction is required.

Claim Rejections - 35 USC § 112

8.   The following is a quotation of the second paragraph of 35 U.S.C. § 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9.   Claim 3 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitation "the at least one data set" at line 2. There is insufficient antecedent basis for this limitation in the claim. The limitation should be changed to – the at least one associated data set – in order to have proper antecedent basis.

Claim Rejections - 35 USC § 101

10.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

11.   Claims 1 and 10 are rejected under 35 U.S.C § 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 merely recites a system comprising a browser, an application
server, a module controller servlet and server-side scripting processing engine.
These components are interpreted to be software components, i.e., computer
program per se. Such claimed matter, which is descriptive material *per se*, non-
functional descriptive material is not statutory because it is not a physical
"thing" nor a statutory process as there are not "acts" being performed. Such
claimed computer programs do not define any structural and functional
interrelationships between the computer program and other claimed aspects of
the invention which permit the computer's program's functionality to be
realized. Since a computer program is merely a set of instructions capable of
being executed by a computer, the program itself is not a process, without the
computer-readable medium needed to realize the computer's functionality. In
contrast, a claimed computer-readable medium encoded with a computer
program defines structural and functional interrelationships between the
computer program and the medium which permit the computer program's
functionality to be realized, and is thus mandatory. *Warmerdam*, 33 F.d at 1361,
31 USPQ 2d at 1760. *In re Sarkar*, 588 F.2d 1330, 1333, 200 USPQ 132, 137
(CCPA 1978). See MPEP § 2106 (IV)(B)(1)(a).

Claims 2-5, which depend from claim 1, are also rejected under 35
U.S.C. § 101 for the same reasons.

Since claim 6 recites a computer program product including computer
readable program code for causing the same components of claim 1 to perform
the same functions, the same rejection is therefore applied.

Claims 7-9, which depend from claim 9, are also rejected under 35
U.S.C. § 101 for the same reasons.

Claim 10 recites a dynamic self-configurable module which is a software
component, i.e., computer program per se. Therefore, claim 10 is also rejected

under 35 U.S.C. § 101 for the same reasons discussed in conjunction with claim
1.

Claims 11-13, which depend from claim 10, are also rejected under 35
U.S.C. § 101 for the same reasons.

Claim Rejections – 35 U.S.C. § 102

12.   The following is a quotation of the appropriate paragraphs of 35 U.S.C.
§ 102 that form the basis for the rejections under this section made in this
Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or
> described in a printed publication in this or a foreign country, before the invention
> thereof by the applicant for a patent.

13.   Claims 1-3, 6, 9, 10, 12, and 13 are rejected under 35 U.S.C. § 102(a) as
being anticipated by Applicants' admitted prior art (AAPA) discussed in
Applicant's Background of the Invention.

Claim 1

AAPA discloses at least:

> *a browser which manages a user presentation interface for said business
application, the browser configured to support client side scripting* (see at least section [3],
i.e., User Presentation Layer, in Applicants' Background of the Invention); and

> *an application server coupled to the browser* (see at least section [4], i.e.,
Application Server Layer, in Applicants' Background of the Invention) *and
having:*

> *a Module Controller Servlet for opening, closing and managing at*

least one Module associated with the business application (see at least section [4], e.g.,
"… an application server which provides all processing of business application
data…data sources." in Applicants' Background of the Invention), *said Module
including:*

> *at least one Extension component which is selected from a
plurality of Extension components, each Extension component defining at least one particular
business method/function associated with the business application, said Extension
component invoked as required by the business application* (see at least section [6], e.g.,
"one or more individual software components…respond to user events,
perform business logic processing…" in Applicants' Background of the
Invention), *and*

> *a Data Store having at least one associated data set which is selected
from a plurality of data sets containing data associated with the business application* (see at
least section [5], i.e., Data Source Layer in Applicants' Background of the
Invention); *and*

> *a server-side script processing engine for processing scripts submitted by the
browser* (see at least sections [4], [6] in Applicants' Background of the
Invention).

Claim 6

Claim 6 recites a computer program product including computer
readable program code for causing the same software components of claim 1
to perform the same functions recited in claim 1. Therefore, the same rejection
is applied.

Claim 10

Claim 10 recites a dynamic self-configurable module comprising the same data store claimed in claim 1. Therefore, the same rejection is applied.

Claims 2, 9 and 12

The rejection of base claims 1, 6 and 10 respectively is incorporated. AAPA further discloses *wherein the Module modifies the at least one data set associated with the Data Store as a user makes changes to data associated with the business application via the user presentation interface* (see at least section [4] in Applicants' Background of the Invention).

Claims 3 and 13

The rejection of claims 1, 2 and 10 respectively is incorporated. AAPA further discloses *wherein the Data Store further includes a Data Source Module which interacts with the at least one data set and transfers modifications to the data set to a back-end database* (see at least sections [4], [5], [6] in Applicants' Background of the Invention).

Claim Rejections - 35 USC § 103

14.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15.   Claims 4, 5, 7, 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA, as applied to the base claims in view of U.S. Patent No. 6,104,874 to Branson et al. ("Branson").

Claims 4 and 7

The rejection of base claims 1 and 6 is incorporated. AAPA does not specifically disclose *wherein the at least one Module associated with the business application further includes a Module Deployment Descriptor which defines the at least one associated data set which has been selected for the Data Store.* However, Branson teaches a configuration process to define methods and data necessary for processing an order (15:24-41). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Branson teaching to define associated data set to be selected for the Data Store because Branson teaching would help minimizing the time and effort involved in customizing business application programs.

Claims 5 and 8

The rejection of claim 1 and 6, 7 respectively is incorporated. AAPA does not specifically disclose *wherein the Module Deployment Descriptor further defines which of the at least one Extension component is selected from the plurality of Extension components for inclusion in the Data Store.* However, Branson teaches a configuration process to define methods and data necessary for processing an order (15:24-41). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Branson teaching to define which Extension component to select for inclusion in the Data Store because Branson teaching would help minimizing the time and effort involved in customizing business application programs.

Claim 11

The rejection of base claim 10 is incorporated. AAPA does not specifically disclose *wherein the Module invokes a thread or instance to a Script Processing Engine in order to process the at least one business method/function of the at least one Extension component at runtime.* However, Branson teaches an object-oriented framework mechanism for order processing. Branson' s order processing framework includes core classes that define the core function of the framework mechanism and extensible classes that are defined by a user to implement a desired order-processing environment. See Abstract and Figures 11A-C and related discussion in the specification. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Branson teaching to process an order from the user (e.g., Figure 11C, invoking the processOrder() method) because the use of Branson teaching would help reduce time and effort involved in the customization of business application programs.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu "Antony" Nguyen-Ba whose telephone number is (703) 305-0103. The examiner can normally be reached on Tuesday-Friday, 6:00 to 16:15.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on (703) 305-4552. The fax

phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ANTONY NGUYEN-BA
PRIMARY EXAMINER

Art Unit 2122
July 27, 2004